

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal Case No. 05-CR-10175-
	)	WGY-1
v.	)	
	)	
NADINE J. GRIFFIN,	)	
	)	
Defendant.	)	
_____	)	

UNITED STATES' SECOND 404(B) NOTICE  
TO INTRODUCE OTHER ACTS EVIDENCE

The United States, by and through its undersigned counsel, files this second notice of its intent to introduce evidence of other crimes, wrongs, or acts of defendant. Federal Rule of Evidence 404(b) requires that the United States provide "reasonable notice . . . of the general nature" its intent to introduce such evidence at trial. The notice requirement (like Rule 404(b) itself) does not extend "to evidence of acts which are 'intrinsic' to the charged offense." Committee Note, Fed. R. Evid. 404(b). A court may excuse the notice requirement on the showing of good cause. See Fed. R. Evid. 404(b).

It is the United States contention that the below-listed acts of defendant should be admitted into evidence as intrinsic to an element of the offenses charged and are not subject to Fed. R. Evid. 404(b). However, in an abundance of caution, the United

States hereby gives notice of its intention to introduce evidence of the following acts of defendant:

(1) filing of federal income tax returns (and related items of taxpayer information) and filing history of defendant, prior to the 1998 tax year; and

(2) State of Massachusetts income tax returns of defendant for the tax years 1993 through 1999.

The United States has made or will make the above-listed items available for inspection by defendant.

The United States intends to introduce evidence of the acts listed above as intrinsic to an element of the offenses charged or, alternatively, as evidence of other acts of defendant, admissible under Fed. R. Evid. 404(b).

In addition, the United States respectfully reserves the right to tender timely notice of additional acts of defendant that may also be intrinsic to an element of the offenses charged or, alternatively, as evidence of other acts of defendant, admissible under Fed. R. Evid. 404(b).

WHEREFORE, the United States respectfully submits its Second  
404(b) Notice.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher J. Maietta  
CHRISTOPHER J. MAIETTA  
Trial Attorney  
U.S. Department of Justice  
(202) 514-4661

Dated: March 15, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day, March \_\_\_\_\_, 2006, served upon the person listed below a copy of the foregoing document by mail:

Nadine J. Griffin  
Mail Boxes, Etc.  
36 Center Street, #143  
Wolfeboro, New Hampshire 03894

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Christopher J. Maietta